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MEMO ENDORSED

November 26, 2019

By ECF and Electronic Mail

The Honorable William H. Pauley III
United States District Court Judge for the Southern District of New York
500 Pearl Street, Room 1920
New York, New York 10007-1312

Commerzbank AG v. U.S. Bank Nat'l Ass'n et al., No. 16-cv-04569 (WHP)
Subject: Request to File Redacted Document

Dear Judge Pauley:

Commerzbank is serving today its papers in accordance with the Court's Order dated November 19, 2019 (ECF 351). These papers consist of (1) Commerzbank's five-page letter memorandum, (2) the Declaration of Dr. Henz-Peter Mansel, and (3) the Declaration of Stephen Auld Q.C.¹

Pursuant to Rule V.A. of Your Honor's Individual Rules & Practices in Civil Cases, and the Joint Stipulation and Confidentiality and Protective Order entered by the Court in this case, ECF No. 109 ("Protective Order"), we write to request permission to file in partially redacted form Commerzbank's five-page memorandum, which reproduces, paraphrases, and discloses information from a document, Kane Ex. 67, that Defendant Bank of America ("BANA") has designated as "Confidential Information" on the basis that it contains BANA's confidential and commercially sensitive agreements, communications, and/or procedures.² This Court has previously granted the parties' permission to file this document, or reproductions, paraphrases, and disclosures of information related to this document under seal. *See* ECF 321 and 344.

Consistent with Rule V.A., Commerzbank will wait to file its letter memorandum under the Court rules, but will file today the declarations of its experts, which do not contain any

¹ The Court's order permitted a "10-page accompanying declaration." *See* ECF 351 at 2. In order to address the German and English law issues by experts in those fields, we have split the 10-page declaration into two declarations.

² Commerzbank takes no position as to BANA's designation of the document as "Confidential Information."

designated “Confidential Information.” Accordingly, Commerzbank will file today all its papers in accordance with the Court’s Order dated November 19, 2019, including unredacted copies of the memorandum subject to this request, on counsel for Defendants.

Respectfully submitted,

Application granted.

Philip R. Schatz

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Enclosure (via ECF and electronic mail)
cc: Counsel of Record (via ECF and electronic mail)